

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6594**

**BILL NUMBER:** HB 1081

**NOTE PREPARED:** Dec 19, 2003

**BILL AMENDED:**

**SUBJECT:** Domestic Violence Prevention and Treatment Fee.

**FIRST AUTHOR:** Rep. Mays

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**    **GENERAL**  
                          **X DEDICATED**  
                          **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It requires that a court order a person who commits certain crimes, including stalking, to pay the Domestic Violence Prevention and Treatment Fee if the victim is a family or household member.
- B. It increases the Domestic Violence Prevention and Treatment Fee from \$50 to at least \$100 and not more than \$500.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** Any new state revenue that would result from this fee increase would be deposited in the Judicial Technology and Automation Project Fund. LSA cannot determine how much new revenue the State User Fee Fund would receive because this fee is not accounted separately from other fees deposited in the State User Fee Fund. (See *Background* for further explanation.)

Under current law, the State User Fee Fund receives 100% of each fee assessed on all persons who have been convicted of causing a death, battery, domestic battery, or rape whose victim is a spouse, former spouse, or a person living as a spouse or if the victim has a child in common with the person who committed domestic battery.

This bill would increase the revenue that the State User Fee Fund would receive from the Domestic Violence Prevention and Treatment Fee by:

- adding the crime of stalking to offenses for which a convicted offender must pay;
- expanding the definition of victim; and
- increasing the Domestic Violence Prevention and Treatment Fee from \$50 to a minimum of \$100 and a maximum of \$500.

*Background:* The Domestic Violence Prevention and Treatment Fee is one of seven fees that are deposited in the State User Fee Fund.

The following table shows the fees that the are deposited in the State User Fee Fund.

<b>Fees Deposited in the State User Fee Fund</b>		
<b>Fee Name</b>	<b>Code Cite</b>	<b>Percent Deposited in State User Fee Fund</b>
Drug Abuse, Prosecution, Interdiction, and Correction Fee	IC 33-19-5-1(b)(5).	25%
Alcohol and Drug Countermeasures Fee	IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), IC 33-19-5-3(b)(5).	25%
Child Abuse Prevention Fee	IC 33-19-5-1(b)(7).	50%
<b><i>Domestic Violence Prevention and Treatment Fee</i></b>	<b><i>IC 33-19-5-1(b)(8).</i></b>	<b><i>100%</i></b>
Highway Work Zone Fee	IC 33-19-5-1(b)(9) IC 33-19-5-2(b)(5).	100%
Marriage License Fee	IC 33-17-14-2	100%
Safe Schools Fee	IC 33-19-6-16.3.	100%
Automated Record Keeping Fee	IC 33-19-6-19	100%

Twice a year, \$1,288,000 are transferred from the State User Fee Fund into the state funds shown in the following table. The balance that remains in the State User Fee Fund is transferred to the Judicial Technology and Automation Project Fund.

***Consequently, any additional revenue that is deposited in the State User Fee Fund will ultimately be deposited in the Judicial Technology and Automation Project Fund.***

Funds Receiving Revenue From the State User Fee Fund		
<u>Fund</u>	<u>Code Cite</u>	<u>Percent Received</u>
Alcohol and Drug Countermeasures Fund	IC 9-27-2-11.	14.98% of \$1.228 M.
Drug Interdiction Fund	IC 10-1-8-2.	8.42% of \$1.228 M.
Drug Prosecution Fund	IC 33-14-8-5.	4.68% of \$1.228 M.
Corrections Drug Abuse Fund	IC 11-8-2-11.	5.62% of \$1.228 M.
State Drug Free Communities Fund	IC 5-2-10-2.	22.47% of \$1.228 M.
Indiana Department of Transportation	IC 8-23-2-15.	7.98% of \$1.228 M.
Family Violence and Victim Assistance Fund	IC 12-18-5-2.	20.32% of \$1.228 M.
Indiana Safe Schools Fund	IC 5-2-10.1	15.53% of \$1.228 M.
Judicial Technology and Automation Project Fund	IC 33-2.1-7-10.	Balance remaining distributions

The following shows the revenue that has been deposited in the State User Fee Fund between FY 1999 and FY 2003.

Revenue in Millions Deposited in State User Fee Fund					
Fiscal Year	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>
Revenue	\$2.74	\$2.54	\$2.93	\$3.95	\$7.03

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Auditor of the State.

**Local Agencies Affected:** Trial Courts.

**Information Sources:** IC 33-19-6 , IC 33-19-9.

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.